IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4200 of 2007()

CRIME NO.262/07 OF PAYYANUR POLICE STATION

PETITIONER/ACCUSED

MANOJ KANA, AGED 34 YEARS,
S/O K.K.KRISHNAN, KANHIRAPOYIL,
ARAVANCHAL P.O., VIA. PERINGOME,
KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS: COMPLAINANT & STATE

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1. STATE - REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE STATION HOUSE OFFICER,
(CRIME NO.262 OF 2007 OF PAYYANUR POLICE STATION)
KANNUR DISTRICT.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4200 of 2007

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Dated this the 11th day of July, 2007

O R D E R

Application for regular bail. The petitioner is the first accused. The crime is registered, inter alia, under section 376 I.P.C. The petitioner is a Drama Director. The defacto complainant/Prosecutrix is a Drama Actress. She was allegedly engaged professionally by the petitioner. On 27.11.2005 she was allegedly raped by the petitioner. She allegedly became pregnant in such relationship. Miscarriage was allegedly caused on 16.5.2006 without the consent of the defacto complainant. Long later, on 20.6.2007 the complaint was filed by the defacto complainant. The petitioner was arrested on 26.6.2007 and he continues in custody from that date. The allegation of causing miscarriage without consent of the defacto complainant is also raised. The doctor who allegedly terminated the pregnancy is arrayed as the second accused.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that the petitioners can now be enlarged on bail subject to appropriate terms and conditions. It is not necessary in the facts and

circumstances of this case to advert to facts and contentions in any greater detail.

3. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 11 a.m. on all Mondays for a period of one month and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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